

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed January 5, 2007. Claims 1-26 remain pending in the present application. Reconsideration and allowance of the application and pending claims are respectfully requested.

Response To Rejections of Claims Under 35 U.S.C. § 102

Claims 1-26 have been rejected under 35 U.S.C. § 102(b) as being anticipated by *Thiessen* (U.S. Patent No. 5,494,412). Applicants respectfully traverse this rejection.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed subject matter must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. §102(b). In the present case, not every feature of the claimed subject matter is represented in the *Thiessen* reference. Applicants discuss the *Thiessen* reference and Applicants' claims in the following.

a. Claim 1

As provided in independent claim 1, Applicants claim:

A computer system for allowing negotiation between a plurality of entities, the computer system comprising:

a computer network having a plurality of computer nodes;

a computer node being arranged to define the negotiation between the entities with a set of negotiation activities;

wherein the computer node is operable to implement a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement.

(Emphasis added).

Applicants respectfully submit that independent claim 1 is allowable for at least the reason that *Thiessen* does not disclose, teach, or suggest at least “wherein the computer node is operable to implement a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement,” as recited and emphasized above in claim 1.

Rather, *Thiessen* describes an Interactive Computer-Assisted Negotiation Process Support System (ICANS) which assists parties in achieving an agreement in a multi-party negotiation. In this process, each party makes a proposal of a solution to a problem and enters preferences on each issue of the problem or dispute being negotiated. See col. 3, lines 18-51 and col. 5, lines 42-47. ICANS then attempts to determine a solution providing equivalent satisfaction between the parties. However, in this process, a party cannot select a framework upon which ICANS uses to determine a solution for a problem. Further, there are not multiple frameworks available to be used by ICANS in handling a negotiation. Rather, ICANS uses the same framework to handle each and every negotiation.

In contrast, claim 1 provides that a plurality of negotiation rule sets define a plurality of market mechanisms, where each rule set provides a framework for determining an outcome in a negotiation. Claim 1 further describes that an entity involved in a negotiation can select one of the plurality of negotiation types to establish the framework that is used to validate proposals and match compatible proposals to form an agreement. For example, an entity could select a rule set corresponding to a double auction or one corresponding to an English auction. By selecting one rule set or another, one result or outcome may be formed over another result or outcome.

As a result, *Thiessen* does not teach or suggest at least all of the claimed features of claim 1, such as “wherein the computer node is operable to implement a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule

set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement,” as recited in claim 1.

Therefore, claim 1 is not anticipated by *Thiessen*, and the rejection should be withdrawn for at least this reason alone.

b. Claims 2-11

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-11 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-11 contain all the features of independent claim 1. For at least this reason, the rejections of claims 2-11 should be withdrawn.

c. Claim 12

As provided in independent claim 12, Applicants claim:

A computer node for coupling to a computer system to allow negotiation between a plurality of entities, the computer node comprising:

a processor, the processor being arranged to define the negotiation between the entities with a set of negotiation activities;

wherein the processor is operable to implement a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement.

(Emphasis added).

Applicants respectfully submit that independent claim 12 is allowable for at least the reason that *Thiessen* does not disclose, teach, or suggest at least “wherein

the processor is operable to implement a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement,” as recited and emphasized above in claim 12.

Rather, *Thiessen* describes an Interactive Computer-Assisted Negotiation Process Support System (ICANS) which assists parties in achieving an agreement in a multi-party negotiation. In this process, each party makes a proposal of a solution to a problem and enters preferences on each issue of the problem or dispute being negotiated. See col. 3, lines 18-51 and col. 5, lines 42-47. ICANS then attempts to determine a solution providing equivalent satisfaction between the parties. However, in this process, a party cannot select a framework upon which ICANS uses to determine a solution for a problem. Further, there are not multiple frameworks available to be used by ICANS in handling a negotiation. Rather, ICANS uses the same framework to handle each and every negotiation.

In contrast, claim 12 provides that a plurality of negotiation rule sets define a plurality of market mechanisms, where each rule set provides a framework for determining an outcome in a negotiation. Claim 12 further describes that an entity involved in a negotiation can select one of the plurality of negotiation types to establish the framework that is used to validate proposals and match compatible proposals to form an agreement. For example, an entity could select a rule set corresponding to a double auction or one corresponding to an English auction. By selecting one rule set or another, one result or outcome may be formed over another result or outcome.

As a result, *Thiessen* does not teach or suggest at least all of the claimed features of claim 12, such as “wherein the processor is operable to implement a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby

allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement,” as recited in claim 12.

Therefore, claim 12 is not anticipated by *Thiessen*, and the rejection should be withdrawn.

d. **Claims 13-17**

Because independent claim 12 is allowable over the cited art of record, dependent claims 13-17 (which depend from independent claim 12) are allowable as a matter of law for at least the reason that dependent claims 13-17 contain all the features of independent claim 12. For at least this reason, the rejections of claims 13-17 should be withdrawn.

e. **Claim 18**

As provided in independent claim 18, Applicants claim:

A method for selecting a negotiation type between a plurality of entities via a computer network having a plurality of computer nodes, the method comprising:

defining in a computer node a set of negotiation activities;

allowing an entity to select via the computer node at least one of a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement.

(Emphasis added).

Applicants respectfully submit that independent claim 18 is allowable for at least the reason that *Thiessen* does not disclose, teach, or suggest at least “allowing an entity to select via the computer node at least one of a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for

determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement,” as recited and emphasized above in claim 18.

Rather, *Thiessen* describes an Interactive Computer-Assisted Negotiation Process Support System (ICANS) which assists parties in achieving an agreement in a multi-party negotiation. In this process, each party makes a proposal of a solution to a problem and enters preferences on each issue of the problem or dispute being negotiated. See col. 3, lines 18-51 and col. 5, lines 42-47. ICANS then attempts to determine a solution providing equivalent satisfaction between the parties. However, in this process, a party cannot select a framework upon which ICANS uses to determine a solution for a problem. Further, there are not multiple frameworks available to be used by ICANS in handling a negotiation. Rather, ICANS uses the same framework to handle each and every negotiation.

In contrast, claim 18 provides that a plurality of negotiation rule sets define a plurality of market mechanisms, where each rule set provides a framework for determining an outcome in a negotiation. Claim 18 further describes that an entity involved in a negotiation can select one of the plurality of negotiation types to establish the framework that is used to validate proposals and match compatible proposals to form an agreement. For example, an entity could select a rule set corresponding to a double auction or one corresponding to an English auction. By selecting one rule set or another, one result or outcome may be formed over another result or outcome.

As a result, *Thiessen* does not teach or suggest at least all of the claimed features of claim 18, such as “allowing an entity to select via the computer node at least one of a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer

node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement,” as recited in claim 18.

Therefore, claim 18 is not anticipated by *Thiessen*, and the rejection should be withdrawn.

f. **Claim 19**

As provided in independent claim 19, Applicants claim:

A computer system for allowing negotiation between a plurality of entities, the computer system comprising:

a computer network having a plurality of computer nodes;

a computer node being arranged to define the negotiation between the entities with a set of negotiation activities to provide a framework for determining an outcome in the negotiation;

wherein a number of different market mechanisms are definable by different arrangements of negotiation activities, the negotiation activities include a proposal validator for validating a proposal, received from an entity, with an agreement template, a negotiation locale for providing a validated proposal to a proposal compatibility checker for comparing proposals received from the negotiation locale to determine compatibility of received proposals to establish an agreement.

(Emphasis added).

Applicants respectfully submit that independent claim 19 is allowable for at least the reason that *Thiessen* does not disclose, teach, or suggest at least “a computer node being arranged to define the negotiation between the entities with a set of negotiation activities to provide a framework for determining an outcome in the negotiation; wherein a number of different market mechanisms are definable by different arrangements of negotiation activities, the negotiation activities include a proposal validator for validating a proposal, received from an entity, with an agreement template, a negotiation locale for providing a validated proposal to a proposal compatibility checker for comparing proposals received from the negotiation locale to determine compatibility of received proposals to establish an agreement,” as recited and emphasized above in claim 19.

Rather, *Thiessen* describes an Interactive Computer-Assisted Negotiation Process Support System (ICANS) which assists parties in achieving an agreement in a multi-party negotiation. In this process, each party makes a proposal of a solution to a problem and enters preferences on each issue of the problem or dispute being

negotiated. See col. 3, lines 18-51 and col. 5, lines 42-47. ICANS then attempts to determine a solution providing equivalent satisfaction between the parties. However, in this process, a party cannot select a framework upon which ICANS uses to determine a solution for a problem. Further, there are not multiple frameworks available to be used by ICANS in handling a negotiation. Rather, ICANS uses the same framework to handle each and every negotiation.

In contrast, claim 19 provides that a plurality of negotiation rule sets define a plurality of market mechanisms, where each rule set provides a framework for determining an outcome in a negotiation. For example, one rule set may correspond to a double auction and another one may correspond to an English auction. By implementing one rule set over another, one result or outcome may be formed over another result or outcome.

As a result, *Thiessen* does not teach or suggest at least all of the claimed features of claim 19, such as “a computer node being arranged to define the negotiation between the entities with a set of negotiation activities to provide a framework for determining an outcome in the negotiation; wherein a number of different market mechanisms are definable by different arrangements of negotiation activities, the negotiation activities include a proposal validator for validating a proposal, received from an entity, with an agreement template, a negotiation locale for providing a validated proposal to a proposal compatibility checker for comparing proposals received from the negotiation locale to determine compatibility of received proposals to establish an agreement,” as recited in claim 19.

Therefore, claim 19 is not anticipated by *Thiessen*, and the rejection should be withdrawn.

g. Claims 20-22

Because independent claim 19 is allowable over the cited art of record, dependent claims 20-22 (which depend from independent claim 19) are allowable as a matter of law for at least the reason that dependent claims 20-22 contain all features of independent claim 19. For at least this reason, the rejections of claims 20-22 should be withdrawn.

h. **Claim 23**

As provided in independent claim 23, Applicants claim:

A computer node for coupling to a computer system to allow negotiation between a plurality of entities, the computer node comprising:

a processor, the processor being arranged to define the negotiation between the entities with a set of negotiation activities to provide a framework for determining an outcome in the negotiation;

wherein a number of different market mechanisms are definable by different arrangements of negotiation activities, the negotiation activities include a proposal validator for validating a proposal, received from an entity, with an agreement template, a negotiation locale for providing a validated proposal to a proposal compatibility checker for comparing proposals received from the negotiation locale to determine compatibility of received proposals to establish an agreement.

(Emphasis added).

Applicants respectfully submit that independent claim 23 is allowable for at least the reason that *Thiessen* does not disclose, teach, or suggest at least “a processor, the processor being arranged to define the negotiation between the entities with a set of negotiation activities to provide a framework for determining an outcome in the negotiation; wherein a number of different market mechanisms are definable by different arrangements of negotiation activities, the negotiation activities include a proposal validator for validating a proposal, received from an entity, with an agreement template, a negotiation locale for providing a validated proposal to a proposal compatibility checker for comparing proposals received from the negotiation locale to determine compatibility of received proposals to establish an agreement,” as recited and emphasized above in claim 23.

Rather, *Thiessen* describes an Interactive Computer-Assisted Negotiation Process Support System (ICANS) which assists parties in achieving an agreement in a multi-party negotiation. In this process, each party makes a proposal of a solution to a problem and enters preferences on each issue of the problem or dispute being negotiated. See col. 3, lines 18-51 and col. 5, lines 42-47. ICANS then attempts to determine a solution providing equivalent satisfaction between the parties. However, in this process, a party cannot select a framework upon which ICANS uses to determine a solution for a problem. Further, there are not multiple frameworks

available to be used by ICANS in handling a negotiation. Rather, ICANS uses the same framework to handle each and every negotiation.

In contrast, claim 23 provides that a plurality of negotiation rule sets define a plurality of market mechanisms, where each rule set provides a framework for determining an outcome in a negotiation. For example, one rule set may correspond to a double auction and another one may correspond to an English auction. By implementing one rule set over another, one result or outcome may be formed over another result or outcome.

As a result, *Thiessen* does not teach or suggest at least all of the claimed features of claim 23, such as “a processor, the processor being arranged to define the negotiation between the entities with a set of negotiation activities to provide a framework for determining an outcome in the negotiation; wherein a number of different market mechanisms are definable by different arrangements of negotiation activities, the negotiation activities include a proposal validator for validating a proposal, received from an entity, with an agreement template, a negotiation locale for providing a validated proposal to a proposal compatibility checker for comparing proposals received from the negotiation locale to determine compatibility of received proposals to establish an agreement,” as recited in claim 23.

Therefore, claim 23 is not anticipated by *Thiessen*, and the rejection should be withdrawn.

i. **Claims 24-26**

Because independent claim 23 is allowable over the cited art of record, dependent claims 24-26 (which depend from independent claim 23) are allowable as a matter of law for at least the reason that dependent claims 24-26 contain all the features of independent claim 23. For at least this reason, the rejections of claims 24-26 should be withdrawn.

CONCLUSION

For at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



Charles W. Griggers, Reg. No. 47,283